

Richard Pu, Pro Se
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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 11

FOOD MANAGEMENT GROUP, LLC,
KMA I, INC.,
KMA II, INC.,
KMA III, INC.,
BRONX DONUT BAKERY, INC.,

Case No. 04-22880 (ASH)
Case No. 04-22890 (ASH)
Case No. 04-22891 (ASH)
Case No. 04-22892 (ASH)
Case No. 04-20312 (ASH)

Debtors.

(Jointly Administered)

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RICHARD PU,

Plaintiff,

Adversary No. 08-A-08209

-against-

JANICE B. GRUBIN, as Trustee,
and DRINKER, BIDDLE & REATH,

Defendants.

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NOTICE OF APPEAL

Richard Pu, Creditor Pro Se, hereby appeals under 28 U.S.C. § 158(a) and pursuant to Rules 8001 and 8002 of the Federal Rules of Bankruptcy Procedure to the United States District Court for the Southern District of New York from the order granting defendants' motion to dismiss, and denying Pu's cross-motions, entered by the United States Bankruptcy Court for the Souther

District of New York (Adlai Hardin), on 3/26/08.

The names of the parties to the order appealed from, and the names, addresses and telephone numbers of their respective attorneys are as follows:

Plaintiff Richard Pu

Richard Pu, Creditor Pro Se
120 E. 90th St., 10C
New York, NY 10128
(212) 427-3665 (o)
(212) 427-6057 (fax)

Defendants Janice Grubin and Drinker Biddle & Reath

Drinker Biddle & Reath LLP
140 Broadway, 39th Fl.
New York, NY 10005-1116
(212) 248-3140 (o)

Dated: New York, NY
April 7, 2008

/s/ Richard Pu
Richard Pu (RP 2321)

120 E. 90th St., 10C
New York, NY 10018
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DRINKER BIDDLE & REATH LLP

Warren von Credo Baker (WB 1100)
John J. D'Attomo (JD 9013)
191 North Wacker Drive
Chicago, IL 60606
(312) 569-1000

*Counsel for Defendants Janice B. Grubin,
Chapter 11 Trustee, and Drinker Biddle & Reath
LLP*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X

In re:

FOOD MANAGEMENT GROUP, LLC,
KMA I, Inc.,
KMA II, Inc.,
KMA III, Inc.,
BRONX DONUT BAKERY, INC.,

Debtors.

-----X

RICHARD PU, Individually and on
behalf of the Estates,

Plaintiff,

v.

JANICE B. GRUBIN, as Trustee,
and DRINKER BIDDLE & REATH LLP,

Defendants.

-----X

Chapter 11

Case No. 04-22880 (ASH)
Case No. 04-22890 (ASH)
Case No. 04-22891 (ASH)
Case No. 04-22892 (ASH)
Case No. 04-20312 (ASH)

(Jointly Administered)

Adversary No. 08-A-08209-ASH

**ORDER GRANTING DEFENDANTS' MOTION
TO DISMISS PLAINTIFF'S COMPLAINT WITH PREJUDICE AND
DENYING PLAINTIFF'S CROSS-MOTION FOR LEAVE
TO PROSECUTE ON BEHALF OF DEBTORS' ESTATES**

Upon the motion (the "Motion") of defendants (the "Defendants") Janice B. Grubin, Chapter 11 Trustee for the above-captioned debtors (the "Debtors"), and Drinker Biddle & Reath LLP to dismiss the complaint (the "Complaint") filed by plaintiff (the "Plaintiff") Richard Pu, pursuant to Bankruptcy Rule 7012 and Federal Rule of Civil Procedure 12(b)(1) and (6); and

upon the Plaintiff's cross-motion (the "Cross-Motion") (i) for leave to prosecute this adversary proceeding on behalf of the Debtors' estates, pursuant to Bankruptcy Code §§ 1103(c)(5) and 1109(b), and (ii) for a joint trial of this adversary proceeding with Adversary Proceeding No. 06-A-08470-ASH, Janice B. Grubin, as Chapter 11 Trustee v. Richard Pu, and the Objection of the Chapter 11 Trustee to the Proofs of Claim Filed by Richard Pu, pursuant to Bankruptcy Rule 7042 and Federal Rule of Civil Procedure 42; and proper notice to all parties entitled thereto having been given; and the Court having been otherwise apprised in the premises; and a hearing having been held on March 4, 2008 (the "Hearing"); and upon the arguments of the parties at the Hearing; and upon the Order Denying Plaintiff's Cross-Motion for Joint Trial, entered March 6, 2008 (the "March 6, 2008 Order"); and for the reasons stated on the record on March 25, 2008; and for good cause shown, it is hereby

ORDERED, that the Defendants' Motion is granted in its entirety; and it is further

ORDERED, that the Plaintiff's Cross-Motion, to the extent not previously denied by the March 6, 2008 Order, is denied in its entirety; and it is further

ORDERED, that the Complaint is dismissed in its entirety with prejudice; and it is further

ORDERED, that the requirement of S.D.N.Y. Local Bankruptcy Rule 9013-1 that a separate memorandum of law be submitted with the Motion is deemed satisfied.

Dated: March 26, 2008
White Plains, New York

/s/ Adlai S. Hardin, Jr.
HONORABLE ADLAI S. HARDIN, JR.,
UNITED STATES BANKRUPTCY JUDGE